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Forty-fifth session

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Held at the Palais des Nations, Geneva,
on Friday, 12 August 1994, at 3 p.m.

Chairman: Mr. GARVALOV

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The meeting was called to order at 3.15 p.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 5) (continued)

1. The CHAIRMAN invited the Committee to review the implementation of the provisions of the Convention by three States parties, whose reports were excessively overdue and which had not sent a representative, namely Chad, Afghanistan and Papua New Guinea, on the basis of their last report, its consideration by the Committee and an oral introduction by the rapporteur for the country in question.

Chad: Fourth periodic report (CERD/C/114/Add.2), considered at the 838th meeting, in 1989 (CERD/C/SR.838)

2. Mr. de GOUTTES, country rapporteur, said that in March 1993 the representative of the Government of Chad had promised the Committee that his country's periodic report would be submitted to its following session in the form recommended in the Committee's guidelines. The Committee had invited the Government of Chad to avail itself of the advisory services of the Centre for Human Rights in the preparation of its report. It had to be acknowledged that the report had not been submitted, so that the latest periodic report available for Chad was still its fourth report, which dated back to 1986. The more recent information on Chad available to the Committee came essentially from non-governmental organizations, such as Amnesty International, the International Federation of Human Rights and the Chadian League of Human Rights, as well as the United States Department of State. That information alone had appeared sufficiently serious to justify use of the confidential procedure provided for by the Economic and Social Council and the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

3. The Committee was not unaware of Chad's serious difficulties deriving from the civil war, the fact that it had no permanent mission in Geneva and that its administrative resources were limited. It nevertheless had the same reporting obligation as any other State party, and it could, if necessary, avail itself of the advisory services of the Centre for Human Rights to assist it in the preparation of a complete report, comprising a general part and an analytical part, in conformity with the Committee's general guidelines regarding the form and contents of reports. In the general part, the Committee would like to have up-to-date information in the following important areas: developments in the situation within the country, the political context, the economic and social context and the composition of the population. The information available on the internal situation was quite disturbing: two years after the end of a bloody dictatorship and despite the hopes raised by President Déby's new coalition Government, the authorities were apparently again resorting to repression to deal with the traditional interregional and inter-ethnic conflicts and instability. The non-governmental organizations reported massacres and summary executions, especially by the army, including security units made up of members of the President's ethnic group; civilians had allegedly been massacred in the south (Doba, Goré) and the east (Abéché in particular). An increase in arbitrary arrests, disappearances and other serious infringements of fundamental freedoms were also being reported. The non-governmental organizations were

growing alarmed at the sudden resurgence of insecurity throughout the country, aggravated by two phenomena: on the one hand, the perpetrators were enjoying impunity, since, promises notwithstanding, there appeared to have been no convictions of members of the security forces, despite the fact that they had been identified as responsible for human rights violations; on the other hand, the administration had been partially paralysed by repeated strikes for non-payment of salaries; even more serious, the judicial system was at a standstill owing to interference by the Government and the army, which had led to strikes by judges.

4. Regarding the political context, the Government of Chad should indicate to the Committee what effect had been given to the national sovereign conference held in early 1993 for the purpose of preparing a new constitution, setting an electoral timetable and adopting measures for the protection of human rights. It appeared that a provisional assembly had been elected to supervise the implementation of the Conference's decisions until general multi-party elections could be held and that a provisional Charter had been adopted to serve as an interim constitution. The Committee would like to know the date on which the provisional system was to end and when general elections would take place; information was also needed on any specific measures taken to improve the protection of human rights: release of political prisoners, reparation for the victims, ending of arbitrary detentions and extrajudicial executions, strengthening of the independence of the judiciary, dissolution of the security services responsible for violations, role of the national human rights commission whose establishment had been announced, etc.

5. Against that background, there were nevertheless two positive elements worthy of mention: on the one hand, the international non-governmental organizations working for the protection of human rights had been able to establish themselves in the country and to operate and express themselves freely, and several Chadian human rights defence associations were functioning legally. Secondly, and as a result, some progress had been achieved in regard to freedom of opinion and expression; that progress, however, had recently been endangered because of the authorities' harsh reaction to the deterioration in the country's situation.

6. Concerning the economic situation, the Committee should be given information on the consequences of the deterioration of the economic and financial situation, due in particular to heavy government, and especially military, expenditures, the drop in government income, fraud and corruption. What was the unemployment rate and what measures had been taken to aid the most disadvantaged? The Committee would also like to learn the results of the April 1993 census, which the representative of Chad had promised to send. It was important to know the distribution of the population by ethnic group, there being approximately 200 such groups according to the United States Department of State country report on human rights for 1994. In March 1993, the representative of Chad had indicated that 70 per cent of inhabitants in the south, where population density was high, were Christian animists, with the rest of the population composed of Muslim tribes, representing approximately 110 tribes and various dialects, living in the Sahelo-Saharan desert zone that covered two thirds of the territory.

7. In addition to such general information, which the Committee needed, the analytical part of Chad's report should cover certain priority issues. First, the Committee would like a full description and analysis of the legislation declaring acts of racism offences punishable by law, in accordance with the requirements of article 4 of the Convention; such an analysis had been missing from the fourth periodic report. Second, in connection with article 6 of the Convention, the Committee would like to know what measures had been taken by the new Government to guarantee effective remedies, through the competent national tribunals and other State institutions, to enable victims to prosecute the guilty and especially to seek reparation. It was, of course, necessary to have legislation providing for such remedies, but it was also, and especially, necessary for the judicial authorities to be able to fulfil their task; information received in that connection gave cause for concern, however, for it described interference by the Government and the army in the functioning of the judicial system and even intimidation of judicial personnel by the military. The International Federation of Human Rights 1994 report spoke of direct physical threats by armed individuals at the N'Djamena court house, following rumours that soldiers involved in massacres might be indicted. Threats had also allegedly been made in 1994 against the President of the Faya Largeau tribunal, who had been forced to leave town. Generally speaking, the Government had not taken the necessary steps to ensure the protection of judges. It would also appear that the rural population generally lacked access to the ordinary courts and for civil matters chose to use the traditional courts presided over by the local chiefs. The next periodic report should therefore contain an account of the steps taken by the authorities to improve the functioning of the judiciary and guarantee its independence.

8. The Committee would also like to know what measures had been taken to implement article 7 of the Convention and to help the different ethnic communities in the cultural, educational and social fields. The protection of ethnic groups was a major problem in Chad. He recalled that power had primarily been exercised by southern Chadians from 1962 to 1975, after which it had more or less been taken over by the northern ethnic groups under President Habré and had then passed to the eastern tribes with President Déby. The information in Amnesty International's 1994 report, in particular, was not at all reassuring as to the situation of the most seriously threatened ethnic groups; rebel activities had allegedly caused flare-ups of inter-community violence, and clashes between government forces and various opposition groups were continuing in different regions, leading to numerous civilian casualties.

9. In the light of that alarming information, the Committee needed and should request explanations and, if possible, reassurances. It regretted the absence of a representative at its current session, but was well aware of Chad's special difficulties, and it again invited Chad to avail itself of the advisory services of the Centre for Human Rights.

10. Mr. ABOUL-NASR thanked Mr. de Gouttes for an interesting introduction; in his view, however, the Committee should not enter into excessive detail in its conclusions; it might simply tell the Chadian Government that it wished to be given information on the situation in Chad with regard to the implementation of the Convention as soon as possible.

11. Mr. de GOUTTES said that he fully agreed with Mr. Aboul-Nasr: the purpose of his introduction had been to indicate the specific fields in which the Committee wished to receive information. His introduction would not be reproduced in the Committee's concluding observations, which might simply contain a request for a report in conformity with its guidelines.

12. The CHAIRMAN, noting that there were no further comments, invited Mr. de Gouttes to prepare draft concluding observations for the Committee to consider at a future meeting.

Afghanistan: Initial report (CERD/C/111/Add.3), considered at the 718th and 719th meetings, in 1985 (CERD/C/SR.718 and 719)

13. Mr. BANTON, country rapporteur, said that when Afghanistan's initial report had been considered, the Committee had observed that the report had not followed the reporting guidelines and had not included all aspects of the situation then prevailing in the country. The Committee had received only estimates of the size and characteristics of the various ethnic groups in Afghanistan, a multi-ethnic country. Members would recall that the Red Army had entered Afghanistan in December 1979 and had been withdrawn over the period May 1988 to March 1989. Many of the refugees had returned, but fighting continued, and in December 1992 the General Assembly had adopted resolution 47/141 on human rights in Afghanistan, in which it had expressed its concern that the prevailing uncertainty might affect the situation of members of ethnic and religious minorities. He also noted that, from 1984 through September 1993, the Special Rapporteur of the Commission on Human Rights, had produced no less than a dozen reports on the situation of human rights in Afghanistan; Mr. Shahi might be able to tell the Committee whether the Special Rapporteur had prepared a further report since then and whether that report dealt with problems of racial discrimination.

14. On 24 January 1994, the Security Council had called for an immediate cessation of hostilities, but its call did not appear to have been heeded. Consequently, several members of the Committee, in view of the ethnic dimensions of the conflict and the gravity of the situation, had wished the Committee to consider the question again at the present session, and he would be glad to hear their views. In any event, the Committee might state in its concluding observations that it regretted that Afghanistan had not been able to respond to its invitation to participate in the current session and to furnish relevant information. It might draw the attention of the State party to the availability of help from the Advisory Services Branch of the Centre for Human Rights in the preparation of a new report. Afghanistan should also be urged to fulfil its reporting obligations as soon as possible, taking into account the Committee's present review and the reporting guidelines, and to provide the core information requested in document HRI/1991/1.

15. Mr. SHAHI said that he fully agreed with Mr. Banton's analysis of the situation and the means available to the Committee in view of the political instability prevailing in Afghanistan. In that very multi-ethnic country, where the Pashtun had been the dominant group for 250 years, all the ethnic groups had taken up arms when the Soviet forces had arrived, but had then begun to attack each other. Pakistan and other Muslim countries had tried in

vain to help them conclude an agreement. There were two opposing methods of restoring stability in the country: modern democratic elections or the holding of a traditional Afghan people's assembly, the so-called Loya Jirga.

16. The United Nations was seeking through the Special Representative of the Secretary-General, to have all the parties explain their position regarding possible solutions and the inauguration of a provisional Government, but the question of power-sharing remained an insurmountable obstacle to the restoration of stability. On the ground, refugees had returned to the relatively calm regions, but millions of mines remained in other areas and were a deterrent to repatriation; the refugees still tended to remain in the bordering countries, and it was quite impossible to force them to return home. In addition, the disturbances in Tajikistan were having repercussions in Afghanistan, which was occasionally stormed by Russian troops conducting operations against the Tajik refugees. Under the circumstances, all the Committee could do was make recommendations in the same vein as those Mr. Banton was proposing.

17. Mr. RECHETOV said that the situation in Afghanistan had completely deteriorated after the withdrawal of the Soviet troops. It was not only unstable, but literally chaotic. The clashes between troops loyal to the President and forces supporting the Government were bathing the country in blood. Kabul had been practically destroyed, by use of the most modern weapons. He was surprised that Mr. Banton had not given the terrifying figures of the civil war victims. The country was on the verge of tragedy, and it was time, not to level charges against anyone in particular, but to realize the complexity of the situation. The Committee could not simply wait for things to calm down, as it had in other cases; it must follow the situation vigilantly.

18. Mr. ABOUL-NASR said he agreed that describing such a chaotic situation as the one in Afghanistan as a situation of political instability was quite far from the truth. In fact, Afghanistan was in a state of war and had no Government to speak of. Who indeed would receive the recommendations being proposed by Mr. Banton, or the request to send the Committee a report or avail itself of the advisory services of the Centre for Human Rights? It would certainly be possible to express regret, to say that the Committee was alarmed at the ethnic clashes that were bathing the country in bloodshed, but it would be farcical to speak of a Government or refer to advisory services for combating racial discrimination, in a country where such disorder prevailed.

19. Mr. de GOUTTES recalled that when the Committee had considered the situation in Chad, it had pointed out that the country had no permanent mission in Geneva, which might explain why it had not sent a representative to the Committee's session. The same was true of Afghanistan, if the country was in the same situation. Even without a report or representatives, the Committee knew that the situation in that country was quite unusual. If Afghanistan proved not to have a permanent mission in Geneva, the Committee should take that into account in its concluding observations in assessing the country's failure to send representatives and should also indicate in the concluding observations that it took Afghanistan's particularly difficult situation into account.

20. Mr. SHERIFIS said that, after hearing Mr. Shahi, Mr. Rechetov and Mr. Aboul Nasr, he agreed that the Committee could not expect to settle Afghanistan's problems. The members should nevertheless agree that the situation presented aspects that concerned them all, both as experts and as human beings. For example, the problems raised by the return, and human rights of refugees and displaced persons could not be discounted. If Afghanistan had no mission in Geneva, if the Committee was not in a position to ask the Special Representative to come before it to explain the situation, it might perhaps ask the Assistant Secretary-General in charge of the United Nations Office for the Coordination of Humanitarian Assistance to Afghanistan to provide it with clarifications on questions within its competence. If that was not possible, the Assistant Secretary-General might delegate that task to the head of the Geneva office. The Committee should not be timid when it came to dealing with questions that came within its mandate.

21. The CHAIRMAN acknowledged that Mr. Sherifis' suggestion might have been considered earlier. He promised to do everything possible to enable the Committee to meet with either of the two officials mentioned the following week or in March 1995. Still, he wished to remind the Committee that Afghanistan had asked for the consideration of its situation to be postponed but the Committee had refused to grant it an extension. He also wished to point out that the Islamic State of Afghanistan did have a permanent mission in Geneva.

22. Mr. SHAHI said that he agreed with Mr. Rechetov that the situation in Afghanistan was one of civil war, even bloodier than the Soviet intervention in its time. He also agreed with Mr. Aboul-Nasr that the Committee's concluding observations would not be received by a body with a well-established legal status. Nevertheless, the countries that had maintained ties with Afghanistan had not broken them, the country's Government was represented in New York and a de facto Afghan Government therefore existed. It was therefore not so unreasonable to consider communicating with that body. After all, the Committee was preparing to send concluding observations to Bosnia and Herzegovina, which was in an equally chaotic state. In view of the efforts by the Special Representative of the Secretary-General and the representatives of Saudi Arabia, Pakistan and Iran, cooperation from Russia and the concern shown by the Afghan authorities themselves to settle their problems with Tajikistan, and despite all the grounds for pessimism, which were very real, it could not be ruled out - and it should be hoped - that the situation would become stabilized by March 1995.

23. The CHAIRMAN said that the Committee had concluded its consideration of the implementation of the Convention by Afghanistan; he asked Mr. Banton to prepare draft concluding observations for consideration by the Committee at a future meeting.

Papua New Guinea: Initial report (CERD/C/5/Add.4), considered at the 1007th and 1010th meetings, in 1993 (CERD/C/SR.1007 and 1010)

24. Mr. WOLFRUM recalled that, in the concluding observations on Papua New Guinea adopted at its 1010th meeting, on 19 August 1993, the Committee had expressed its concern at reports of serious human rights violations in Bougainville, especially summary executions and population

transfers, as well as large-scale mining operations without due regard to the rights of the population and the adverse effects of environmental degradation (A/40/A/18, paras. 568 and 569). The North Solomons Province was located approximately 990 km in a straight line from Port Moresby, capital of Papua New Guinea. Its surface area was approximately 900 square kilometres. It basically consisted of the main island Bougainville, which was 208 km long by 216 km wide, Buka Island, north of Bougainville and separated from it by an 800 m channel, as well as several atolls. The inhabitants of Bougainville were Melanesians, like the other inhabitants of Papua New Guinea, but they were much darker-skinned and therefore easily distinguishable from the rest of the population. There was a matrilineal system of filiation in Bougainville, and in most communities the transmission of land ownership was also matrilineal. Most of the inhabitants of Bougainville practised subsistence agriculture (taro, sweet potatoes and breadfruit trees). The cash crops were basically cacao and copra. Until the crisis 60 per cent of the crops had been produced by smallholders and the rest by the large foreign-owned plantations. Since the crisis, all the plantations had been abandoned and the smallholders production had dropped spectacularly.

25. Bougainville was one of Papua New Guinea's most resource-rich provinces. It had the world's largest copper mine, Panguna. The mine was operated by a national company, Bougainville Copper Limited, a subsidiary of Conzine Rio Tinto of Australia, which had been chosen to conduct mining operations under an agreement concluded in 1967 and renegotiated in 1974. At the time, the 1974 agreement had appeared "progressive", but it had still raised a certain amount of resentment among the Bougainville landowners. The resentment dated back to the 1960s, when the Australian negotiators had applied Australian rules stipulating that all mineral resources belonged not to the landowners but to the crown or the Government. The inhabitants of Bougainville, naturally mistrustful of all foreigners, had believed that the representatives of the company, like those of the Government, were determined to exploit them. Mining operations had begun around Panguna in the mid-1960s, despite resistance from the Nasioi landowners. The latter were mistrustful of the whites, who had already taken away their lands to transfer them into plantations, and they could neither understand nor accept the rule depriving them of all mineral rights. Large-scale extraction had begun at the Panguna mine in April 1972, at first under the agreement of 1967 and later that of 1974.

26. Before the crisis, the Panguna copper mine had employed a very large number of Bougainville inhabitants. Of the mine's 8,000 employees, 80 per cent had been Papua New Guineans, 40 per cent of whom were Bougainville inhabitants. The mine had represented 40 per cent of the province's total income. Net sales of ore had amounted to approximately 1,900 million kina, 38 per cent of which had been paid to the Papua New Guinea Government as taxes, with an additional 8 per cent in the form of dividends on its shareholding. Those figures represented approximately 17 per cent of the Papua New Guinea Government's internal income at the time. Regarding the origin of the crisis, when the mine had been established it had been necessary to move and resettle many families. Problems had also been raised by the removal of tons of overburden and mining waste stored on the banks of the Kawerong river or dragged into the waters of the Jaba river, changing the river's flow and poisoning its waters. As compensation for the loss of

farmland and related disruptions, payments of $A 103 to $A 60,000 per year, the average being $A 590, had been made. Royalties of 1.5 per cent of the production value had been paid, including 5 per cent to the landowners and 5 per cent to the provincial Government, while the Papua New Guinea Government had received 17 per cent.

27. The conflict currently taking place in Bougainville had begun in 1987 when the dispute over the compensation due for the use of the land had taken a sudden turn for the worse. The landowners challenging the agreement had demanded that the province of Bougainville should receive 15 per cent of the amounts paid to the Government of Papua New Guinea, but the claim had been rejected. In November 1988, when negotiations had quite obviously broken down some landowners and other inhabitants of Bougainville had begun to conduct sabotage activities. Violence had broken out in 1989, escalated and resulted in what might be called an internal conflict between the inhabitants of Bougainville, on the one hand, and the Government of Papua New Guinea on the other. According to the documentation in his possession - produced by an Australian parliamentary delegation, Amnesty International and the Sunday Programme, in particular - the conflict had been the scene of atrocities (killings, summary executions, disappearances, torture, etc.) by both parties, to be sure, but especially by the Papua New Guinea armed forces and police.

28. It was also quite obvious that the present conflict was partly due to the country's colonial history and to foreign intervention - especially Australian - in mining activities. The Australian Government had long protected the Papua New Guinea defence forces by providing them with the helicopters it had used against the inhabitants of Bougainville. Negotiations had been held between the Papua New Guinea armed forces and what might be called the "Bougainville forces", and the former had managed to regain control of much, but not all, of the island.

29. In the United Nations sphere, the following activities had taken place: preparation of a report by the Secretary-General on human rights violations in Bougainville (E/CN.4/1994/60) dated 28 January 1994, reiterating the recommendations of the Committee on the Elimination of Racial Discrimination and the Committee on the Rights of the Child, referring to the activities of the Commission on Human Rights and noting that the Government of Papua New Guinea was not willing to cooperate with the United Nations and that the situation should be monitored. The Secretary for Foreign Affairs and Trade of Papua New Guinea had sent the Chairman of the fiftieth session of the Commission on Human Rights a letter (E/CN.4/1994/120) dated 25 February 1994, rejecting any cooperation with the United Nations. The Committee for its part, had strongly recommended that the Government of Papua New Guinea should resume its dialogue with the Committee, provide it with information, avail itself of the services of the Centre for Human Rights in the preparation of its report and cooperate with international fact-finding missions that were seeking to assist Papua New Guinea in the resolution of the conflict in Bougainville (A/48/18, paras. 570 and 571).

30. The Committee was faced with a very unusual situation. The Government of Papua New Guinea had sent it neither a report nor a letter. It quite obviously had no desire to resume its dialogue with the Committee. However, the Committee could not work without cooperation from the State party

concerned. From talks with a staff member of the Centre for Human Rights, he had learned that the Secretary-General had appointed a special representative to study the situation in Bougainville but that the representative had not even been able to travel to Papua New Guinea, not to mention Bougainville, and had only recently begun a dialogue with the Government of Papua New Guinea. In the circumstances, he recommended that the Committee should reiterate its conclusions of August 1993, perhaps in stronger language.

31. Mr. van BOVEN said that the Commission on Human Rights had addressed certain requests to the Secretary-General in resolution 1994/81 of March 1994, entitled "Human rights violations in the Papua New Guinea island of Bougainville". After listening to Mr. Wolfrum's introduction, he was quite aware that the chances of anything the Secretary-General might undertake in that area succeeding were very slim. The second portion of the letter from the authorities of Papua New Guinea to the Chairman of the Commission on Human Rights (E/CN.4/1994/120) which Mr. Wolfrum had read out left no doubts in that respect. Unfortunately, Papua New Guinea and the situation in Bougainville were not among the most important concerns of the international community or the secretariat. It would have been useful, however, to have more information: there was a problem of coordination within the United Nations system and the human rights bodies as a whole. He would like to have information from the Special Representative of the Secretary-General concerning any action taken on the requests of the Commission on Human Rights to which he had referred.

32. Meanwhile, what should the Committee do? In his view it should repeat its conclusions of August 1993, as Mr. Wolfrum had recommended, but perhaps with more emphasis on the urgency of a reply. It should also stress the fact that, if a country did not report to the Committee and continuously rejected its offers of assistance, it was violating one of its fundamental obligations under article 9 of the Convention. The Committee should also express its deep regret in that connection. Since the High Commissioner for Human Rights was to take part in the Committee's work at its next meeting, he believed the situation should be brought to the High Commissioner's attention: the Committee should seek to determine to what extent the outside world, and particularly the High Commissioner for Human Rights, through his good offices, could help to resolve the conflict in Bougainville.

33. Mr. de GOUTTES said he agreed that the Committee should strongly deplore the fact that the Government of Papua New Guinea had not accepted its proposed dialogue nor taken up its offer of assistance. The fifth and sixth paragraphs on page 4 of the letter from Papua New Guinea to the Commission on Human Rights (E/CN.4/1994/120) mentioned earlier were particularly negative, stating that the situation in Bougainville was an internal matter, that the Government felt that it could resolve the situation by itself, and, what was more, that any outside attempt would do more damage than good. There were also, however, two rather positive aspects indicating that Papua New Guinea was becoming slightly more open. First, according to the report by the Secretary-General cited earlier, cooperation had been established in 1993 between the Government of Papua New Guinea and the Advisory Services and Technical Assistance Branch of the Centre for Human Rights (report, para. 10). Secondly, the letter from the authorities of Papua New Guinea indicated that a national human rights commission was in the process of being set up in Papua New Guinea and that

the Centre for Human Rights had provided advisory services for that purpose. He would like to know what might be expected from those two examples of cooperation and what progress had been made.

34. Mr. DIACONU endorsed the views expressed by Mr. Wolfrum, Mr. van Boven and Mr. de Gouttes. The Government of Papua New Guinea should be reminded that if it refused to cooperate with the Committee it was violating a specific legal obligation binding it under the Convention, whereas, if it refused to cooperate with the Human Rights Committee, the Commission on Human Rights or the Sub-Commission on Prevention of Discrimination and Protection of Minorities it was only violating a more general obligation binding it under the Charter of the United Nations.

35. Mr. FERRERO COSTA said that the Government of Papua New Guinea should be asked to resume its dialogue with the Committee and fulfil its obligations under the Convention, in order to prevent the situation in that country from worsening. The Committee should also express its concern to the High Commissioner for Human Rights and the Secretary-General.

36. Mr. ABOUL-NASR said that it would be interesting to know whether the Secretary-General had received the information requested of Papua New Guinea. The situation did not seem clear.

37. Mr. YUTZIS pointed out that the events in Bougainville were quite disturbing and had been examined by other United Nations bodies. The situation in Papua New Guinea might deteriorate any day, and the Committee should make every effort to encourage the State party to resume its dialogue with it.

38. Mrs. KLEIN (Special Representative of the Secretary-General) explained that the Commission on Human Rights had had before it the report by the Secretary-General on human rights violations in Bougainville (E/CN.4/1994/60). The Commission had also adopted resolution 1994/81, in which it requested the Secretary-General, in the light of developments between the adoption of the resolution and 30 September 1994, to consider the appropriateness of appointing a special representative whose mandate might include establishing direct contact with the Government of Papua New Guinea and representatives of the people of the various groups to investigate the situation and exploring ways to promote an end to armed conflict and to facilitate dialogue and negotiations between the parties to the conflict. The Secretary-General was still considering sending a representative to Papua New Guinea in September or October. The Centre for Human Rights maintained ongoing contact with the Department of Political and Security Council Affairs in New York, but for many reasons it had not been possible for the mission to take place.

39. Mr. WOLFRUM said that the report of the Secretary-General on human rights violations in Bougainville was merely a compilation of various United Nations documents. It was his understanding that New York was in possession of further information on the situation in Bougainville, in particular on negotiations with the Papua New Guinea Revolutionary Front, the role played by Australia, the economic situation, etc. As he had told the Under-Secretary-General for Human Rights two days earlier, a coordination mechanism should be set up to assist the Committee in working more

efficiently. Pictures of the clashes in Rwanda and Burundi were being broadcast on all the television channels, while nothing of the conflict in Papua New Guinea was being shown. The Committee should draw public attention to what was happening and express its concern at the violations of human rights in Bougainville. One of the major multinational mining companies, Conzine Rio Tinto Australia, was based in Papua New Guinea, and Australia was playing a rather strange role in that connection. No country appeared to be considering the interests of the tiny Papua New Guinea community. He referred to the case of Nauru, which had been brought before the International Court of Justice; the Court had sentenced Australia to payment of a considerable amount of compensation.

40. The CHAIRMAN said that there were attenuating circumstances in the case of Chad and Afghanistan, but not in that of Papua New Guinea. The Committee's approach to Papua New Guinea should therefore be different from the one it had taken towards Chad and Afghanistan.

PREVENTION OF RACIAL DISCRIMINATION, INCLUDING EARLY WARNING AND URGENT PROCEDURES (agenda item 6)

41. The CHAIRMAN said that the Committee had before it three draft decisions, on acts of terrorism (in connection with terrorist attacks in Buenos Aires and London), the situation in Algeria and the situation in Mexico. For the information of Mr. Rechetov, who had asked him a question on the subject, he explained that several versions of the drafts had been circulated to the members informally, in English, and that the latest revised version had been given to them that morning.

42. Mr. ABOUL-NASR said that the Committee should take no decision without first discussing each case. It would be preferable to send the Government concerned a letter expressing the Committee's concern at the situation in the country and asking the State party to provide it with information and suggestions. For his part, he did not understand why the Committee had chosen those three cases and not the situation in Chechnya, for example.

43. Mr. BANTON said that the Committee had set a precedent at its forty-fourth session when it had adopted decision 1 (44) requesting an urgent report from Israel. It should therefore be consistent.

44. Mr. WOLFRUM acknowledged that it would indeed have been preferable to draft the decisions following discussion. In the case of Israel, the Committee had before it all the information necessary to draft its decision. It was important for the Committee to show the outside world that it was impartial and consistent, while remaining flexible and indicating how it reached its objectives. The steps it had taken were part of the early warning procedure in the framework of the Convention. It would, however, be advisable for it to ask for more information in future, but the individuals who had prepared the drafts for discussion were obviously not at all to blame.

45. Mr. AHMADU said that he agreed with the idea of sending the countries concerned a letter asking for additional information, but that the Committee should avoid using methods that might well open up a Pandora's box.

46. Mr. DIACONU said that the Committee should explore steps for ensuring the protection of foreigners in countries where terrorist acts occurred rather than ask the countries concerned for information on such acts.

47. The CHAIRMAN reminded the members of general recommendation XVIII (44) on the establishment of an international tribunal to prosecute alleged perpetrators of crimes against humanity and invited the members to resume consideration of that question at a future meeting.

The meeting rose at 6.05 p.m.